

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID and MARGARET DOWNS

Plaintiffs

v.

BOROUGH OF JENKINTOWN, ET AL.

Defendants

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CIVIL ACTION

NO. 18-CV-4529

PRAECIPE OF PLAINTIFF TO CORRECT
PLAINTIFFS' COUNTERSTATEMENT OF FACTS

1. On December 20, 2019, Plaintiff filed their Counterstatement of Facts in opposition to Defendants' Motion For Summary Judgment. (Docket No. 24)

2. Two "clerical" errors were made with regard to paragraphs 34 and 37.

A. Paragraph 34 incorrectly attributes testimony to Plaintiff David Downs that should have been attributed to Plaintiff, Margaret Downs. Paragraph 34 should be corrected as set forth below [corrections are in bold print]:

34. **Ms. Downs** testified regarding the favorable treatment the Glasses received as follows:

Q. You believe that the borough should not have permitted those allegations to go forward, they should have stopped it; is that what you mean?

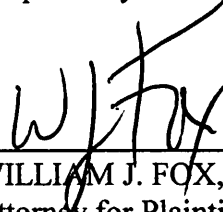
A. Upon receipt of those photos and videos [from the Glasses], they should have sat with us, just like they did with the Glasses and said here are the accusations, are you running a business. They never asked us. They never came down. They never conducted an investigation. They never conducted an on-site inspection at our house and say they ever saw anything. With the Glasses, they went down, they spoke with them, they gave them a list of what they had to do to abate the situation. We begged for a similar opportunity just to defend ourselves. (N.T. **Margaret Downs**, p. 171-72, Ex. "27")

B. Paragraph 37 incorrectly cites to Ex. "8" when the cite should have been to Ex.

"22". Paragraph 37 should be corrected as follows [correction is in bold print]:

37. In December of 2017, Pancoe, along with Council member Anne MacHaffie, retaliated against Belinda Hull for supporting Plaintiff's candidacy. Ms. Hull was a member of the Jenkintown Zoning Hearing Board and supported Ms. Downs' write-in campaign for Mayor. Ms. Hull's term on the Zoning Board was to be renewed in January of 2018. In December of 2017, Pancoe informed Ms. Hull that, because she supported me for Mayor during the 2017 election, that she would not be reappointed to the Zoning Hearing Board. and harbored resentment and anger toward Plaintiffs. (See Ex. "2" and N.T. Pancoe, p. 105-107, Ex. "22")

Respectfully submitted,



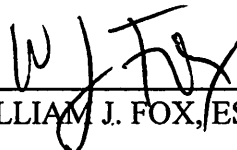
WILLIAM J. FOX, ESQUIRE
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DATED: January 6, 2020

CERTIFICATION OF SERVICE

I, William J. Fox, Esquire, attorney for Plaintiff, hereby certify that a true and correct copy of the foregoing Praecipe to Correct Counterstatement Of Facts was served upon counsel for Defendants electronically at the address below:

Suzanne McDonough, Esquire
Holsten & Associates
One Olive Street
Media, PA 19063



WILLIAM J. FOX, ESQUIRE

Date: January 6, 2020